

WOOD & LAMPING LLP

SINCE 1927

ATTORNEYS AT LAW

600 VINE STREET, SUITE 2500
CINCINNATI, OHIO 45202-2491
TELEPHONE (513) 852-6000
FAX (513) 852-6087

WOOD, LAMPING & LEHNER LLP
208 WALNUT STREET
LAWRENCEBURG, INDIANA 47025
TELEPHONE (812) 537-2375
FAX (812) 537-2368

KENNETH J. SCHNEIDER
WILLIAM R. ELLIS**
WILLIAM H. EDER, JR.
HAROLD G. KORBEE
ERIC C. HOLZAPFEL
PAUL R. BERNINGER
ROBERT P. MALLOY
JEFFREY M. ROLLMAN
MARK S. RECKMAN
JAN M. FRANKEL
GARY J. DAVIS*
JAMES B. HARRISON*
HENRY E. MENNINGER, JR.
C.J. SCHMIDT, III
THOMAS M. WOEBKENBERG
ARTHUR D. WEBER, JR.*
THOMAS J. BREED

JOHN W. EILERS
LISA D. LEHNER*** +
PETER M. BURRELL++
JEFFREY P. MCSHERRY* ***
LISA M. RAMMES
DOUGLAS L. WESTENDORF
ROCCINA S. NIEHAUS
TIMOTHY A. GARRY, JR.
THOMAS R. BLONDELL+++
EDWARD D. BENDER
JANET Y. CASTAÑEDA
KAREN A. NICEWANDER
JAMES D. HOUSTON
JEFFREY D. FORBES
V. BRANDON MCGRATH*
NATHAN H. BLASKE
SARAH B. ELLINGTON

Counsel
ROBERT F. RECKMAN
AMY GASSER CALLOW

Retired
HARRY M. HOFFHEIMER

JOHN WOOD II (1917-1998)
FRED C. LAMPING (1903-1989)
ALBERT H. NEMAN (1929-2003)

*Also Admitted in Kentucky
**Also Admitted in Pennsylvania
***Also Admitted in Indiana
+ Also Admitted in Arizona
++ Also Admitted in Oregon
+++ Admitted in Illinois and Indiana

DIRECT DIAL: (513) 852-6067
E-MAIL: wrellis@woodlamping.com

November 17, 2003

VIA E-MAIL AND REGULAR U.S. MAIL

Michael A. Roberts, Esq.
Graydon Head and Ritchey, LLP
1900 Fifth Third Center
511 Walnut Street
Cincinnati, OH 45202-3157

Re: Jeffries v. Centre Life Insurance Co., et al.

Dear Mr. Roberts:

In order to update you on the progress of the requested backup tape discovery, I have been advised of the following:

After the hearing on October 22, 2003, DMS ordered the necessary hardware and software to accomplish the ordered discovery. By October 31st they had received and set up 2 new servers, two external DLT drives and over the course of two days established the necessary domains. The first two tapes (i.e. February and March, 2002) from the Boston office were requested and had been received by that date. The process then began to isolate the e-mail boxes and the "Z" drives (individual hard drives) for the requested employees.

By November 5, 2003, the February 2002 tape had been recovered onto the separate domain for searching.


It was discovered that at that time, there was no back-up performed on the "Z" drives for February due to space limitations in the back-up process at that time. The e-mail folders for February were recovered and segregated to the recovery server.

As of November 6, 2003, they began to restore the March 2002 tape and discover that there had been a back up error and that the attempts to restore the data met with an "incomplete information store" message. It was discovered that in March of 2002 back up of what should have been 9GB of data for the information store was only 1GB. All efforts to restore this data have failed. There were also no "Z" drives for March due to the same space limitations in the back up process.

As of November 11, 2003, the April and May 2002 tapes had been received and are currently being restored. They have successfully recovered the "Z" drives for April and May of 2002, and only need to recover the mailboxes from April and May of 2002. As soon as this is accomplished, we will request the Springfield tapes and continue the process. I will try to keep you posted on the progress at least weekly. The only delay in this first report was caused by my schedule which had me out of the country taking depositions.

Please advise me at what stage you want to have your "expert" go to the site and perform his first search. I would recommend that the most efficient time would be when we have as much information recovered as the system will hold, but feel free to let me know if you have any different thoughts.

Sincerely,



William R. Ellis

WRE/pp

cc: Hon. Sandra Beckwith, via hand delivery
Hon. Timothy Hogan, via hand delivery

191682.1